

107TH CONGRESS  
1ST SESSION

# H. R. 2992

To amend the Employee Retirement Income Security Act of 1974, Public Health Service Act, and the Internal Revenue Code of 1986 to clarify the application of the mental health parity provisions to annual and lifetime visit or benefit limits, as well as dollar limits.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 2, 2001

Mrs. MALONEY of New York (for herself and Mr. GILMAN) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend the Employee Retirement Income Security Act of 1974, Public Health Service Act, and the Internal Revenue Code of 1986 to clarify the application of the mental health parity provisions to annual and lifetime visit or benefit limits, as well as dollar limits.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Mental Health Parity  
5       Enhancement Act of 2001”.

1 **SEC. 2. APPLICATION OF MENTAL HEALTH PARITY PROVI-**  
2 **SIONS TO ANNUAL AND LIFETIME VISIT OR**  
3 **BENEFIT LIMITS.**

4 (a) AMENDMENTS TO THE EMPLOYEE RETIREMENT  
5 INCOME SECURITY ACT OF 1974.—Section 712(e) of the  
6 Employee Retirement Income Security Act of 1974 (29  
7 U.S.C. 1185a(e)) is amended—

8 (1) in paragraph (1), by inserting after “a dol-  
9 lar limitation on the total amount that may be paid”  
10 the following: “ or a number or visits or other limi-  
11 tation on the benefits that may be covered”; and

12 (2) in paragraph (2), by inserting after “a dol-  
13 lar limitation on the total amount of benefits that  
14 may be paid” the following: “or a number of visits  
15 or other limitation on the benefits that may be cov-  
16 ered”.

17 (b) AMENDMENTS TO THE PUBLIC HEALTH SERVICE  
18 ACT.—Section 2705(e) of the Public Health Service Act  
19 (42 U.S.C. 300gg–5(e)) is amended—

20 (1) in paragraph (1), by inserting after “a dol-  
21 lar limitation on the total amount that may be paid”  
22 the following: “or a number or visits or other limita-  
23 tion on the benefits that may be covered”; and

24 (2) in paragraph (2), by inserting after “a dol-  
25 lar limitation on the total amount of benefits that  
26 may be paid” the following: “or a number of visits

1 or other limitation on the benefits that may be cov-  
2 ered”.

3 (c) AMENDMENTS TO THE INTERNAL REVENUE  
4 CODE OF 1986.—Section 9812(e) of the Internal Revenue  
5 Code of 1986 is amended—

6 (1) in paragraph (1), by inserting after “a dol-  
7 lar limitation on the total amount that may be paid”  
8 the following: “or a number or visits or other limita-  
9 tion on the benefits that may be covered”; and

10 (2) in paragraph (2), by inserting after “a dol-  
11 lar limitation on the total amount of benefits that  
12 may be paid” the following: “or a number of visits  
13 or other limitation on the benefits that may be cov-  
14 ered”.

15 (d) EFFECTIVE DATE.—(1) Subject to paragraph  
16 (2), the amendments made by this section shall apply with  
17 respect to group health plans for plan years beginning on  
18 or after January 1, 2002.

19 (2) In the case of a group health plan maintained  
20 pursuant to 1 or more collective bargaining agreements  
21 between employee representatives and 1 or more employ-  
22 ers ratified before the date of enactment of this Act, the  
23 amendments made section shall not apply to plan years  
24 beginning before the later of—

1           (A) the date on which the last collective bar-  
2           gaining agreements relating to the plan terminates  
3           (determined without regard to any extension thereof  
4           agreed to after the date of enactment of this Act),  
5           or

6           (B) January 1, 2002.

7 For purposes of subparagraph (A), any plan amendment  
8 made pursuant to a collective bargaining agreement relat-  
9 ing to the plan which amends the plan solely to conform  
10 to any requirement added by this section shall not be  
11 treated as a termination of such collective bargaining  
12 agreement.

13       (e) COORDINATED REGULATIONS.—Section 104(1) of  
14 Health Insurance Portability and Accountability Act of  
15 1996 is amended by striking “this subtitle (and the  
16 amendments made by this subtitle and section 401)” and  
17 inserting “the provisions of part 7 of subtitle B of title  
18 I of the Employee Retirement Income Security Act of  
19 1974, the provisions of parts A and C of title XXVII of  
20 the Public Health Service Act, and chapter 100 of the In-  
21 ternal Revenue Code of 1986”.

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